

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GORDON L. THURBER,)	
)	
Plaintiff)	
)	
vs.)	Civil Action No. 09-717
)	Chief Magistrate Judge Amy Reynolds Hay
MICHAEL J. ASTRUE, Commissioner)	
of Social Security,)	
Defendant)	

MEMORANDUM OPINION

HAY, Chief Magistrate Judge

Acting pursuant to 42 U.S.C. § 405(g), Gordon Thurber (“Thurber” or “the Claimant”) appeals from a May 13, 2009 decision of the Commissioner denying his application for disability insurance and supplemental security income benefits. Cross Motions for Summary Judgment are pending. The Motion filed by Thurber (Doc. 8) will be denied, and the Motion filed by the Commissioner (Doc. 13) will be granted.

I. BACKGROUND

On March 17, 2003, Thurber protectively filed an application for disability insurance benefits and supplemental security income benefits, alleging that he became disabled on July 31, 1996 due to seizure and affective disorders.¹ This claim was denied initially in a decision dated September 23, 2003. Thurber then requested a hearing which took place in Grove City, Pennsylvania on October 16, 2006. The Claimant, who was represented by counsel, testified, as

¹This was Thurber’s second application for benefits. His first application was filed on September 13, 1994, and denied by another ALJ on July 30, 1996. Thurber’s last date insured for purposes of disability insurance benefits was September 30, 1998, which means that in order to receive disability benefits in the pending matter, he must establish that he was disabled on or before that date.